



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 22

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**OCT 04 2002**

**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of :  
Lightcap et al. :  
Application No. 09/128,753 :  
Filed: August 4, 1998 :  
Attorney Docket No. DVL-003PAT :

This is a decision on the petition under 37 CFR 1.137(b) filed September 16, 2002, to revive the above-identified application. The Office will also treat the petition as a request for reconsideration under 37 CFR 1.137(a).

The petition under 37 CFR 1.137(a) is **granted**.

The petition under 37 CFR 1.137(b) is **dismissed as moot**.


The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 21, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 22, 2001. A Notice of Abandonment was mailed on May 8, 2002.

Petitioner has supplied a showing in compliance with 37 CFR 1.8(b) that a change of correspondence address was mailed to the Office on April 13, 2001. However, Office records fail to indicate that the change of correspondence was ever recorded. Petitioner has established that the September 21, 2001 Office action was sent to an incorrect address despite the exercise of due care by petitioner to change the correspondence address. Therefore, relief under 37 CFR 1.137(a) will be granted.

Since the petition under 37 CFR 1.137(a) is granted, the petition under 37 CFR 1.137(b) is dismissed as moot. The \$640 petition fee will be scheduled to be refunded.

The file is now being forwarded to Technology Center 1600.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

  
Charles Steven Brantley  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

**REQUEST FOR PATENT FEE REFUND**

1 Date of Request: 9-25-02

2 Serial/Patent # 09/128,753

3 Please refund the following fee(s):

4 PAPER  
NUMBER

5 DATE  
FILED

6 AMOUNT

Filing

\$

Amendment

\$

Extension of Time

\$

Notice of Appeal/Appeal

\$

☒ Petition

21

9-16-02

\$ 640

Issue

\$

Cert of Correction/Terminal Disc.

\$

Maintenance

\$

Assignment

\$

Other

\$

7 TOTAL AMOUNT  
OF REFUND

\$ 640

8 TO BE REFUNDED BY:

☒

Treasury Check

Credit Deposit A/C #:

9

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10 REASON:

Overpayment

Duplicate Payment

☒ No Fee Due (Explanation):

*Petition dismissed as moot*

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME:

Steve Brantley

TITLE:

Petitions Att'y

SIGNATURE:

*[Signature]*

PHONE:

306-5683

OFFICE:

Petitions

\*\*\*\*\* THIS SPACE RESERVED FOR FINANCE USE ONLY: \*\*\*\*\*

APPROVED:

*[Signature]*

DATE:

10/4/02

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